

SENATE BILL No. 48

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-42-4-6.

Synopsis: Child solicitation. Makes child solicitation committed by a person at least 21 years of age against a child under 14 years of age: (1) a Class B felony if it is committed by means of a computer network; and (2) a Class A felony if it is committed by means of a computer network by a person who has a prior conviction for child solicitation by means of a computer network.

Effective: July 1, 2009.

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December 30, 2009, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

SENATE BILL No. 48

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-42-4-6, AS AMENDED BY P.L.216-2007,
2 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2009]: Sec. 6. (a) As used in this section, "solicit" means to
4 command, authorize, urge, incite, request, or advise an individual:
5 (1) in person;
6 (2) by telephone;
7 (3) in writing;
8 (4) by using a computer network (as defined in IC 35-43-2-3(a));
9 (5) by advertisement of any kind; or
10 (6) by any other means;
11 to perform an act described in subsection (b), ~~or~~ (c), **or (d)**.
12 (b) A person **at least** eighteen (18) years of age ~~or older but less~~
13 **than twenty-one (21) years of age** who knowingly or intentionally
14 solicits a child under fourteen (14) years of age, or an individual the
15 person believes to be a child under fourteen (14) years of age, to
16 engage in:
17 (1) sexual intercourse;



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(2) deviate sexual conduct; or

(3) any fondling or touching intended to arouse or satisfy the sexual desires of either the child or the older person;

commits child solicitation, a Class D felony. However, the offense is a Class C felony if it is committed by using a computer network (as defined in IC 35-43-2-3(a)), and a Class B felony if the person commits the offense by using a computer network (as defined in IC 35-43-2-3(a)) and has a previous unrelated conviction for committing the offense by using a computer network (as defined in IC 35-43-2-3(a)).

(c) A person at least twenty-one (21) years of age who knowingly or intentionally solicits a child under fourteen (14) years of age, or an individual the person believes to be a child under fourteen (14) years of age, to engage in:

(1) sexual intercourse;

(2) deviate sexual conduct; or

(3) any fondling or touching intended to arouse or satisfy the sexual desires of either the child or the older person;

commits child solicitation, a Class D felony. However, the offense is a Class B felony if it is committed by using a computer network (as defined in IC 35-43-2-3(a)), and a Class A felony if the person commits the offense by using a computer network (as defined in IC 35-43-2-3(a)) and has a previous unrelated conviction for committing the offense by using a computer network (as defined in IC 35-43-2-3(a)).

(d) A person at least twenty-one (21) years of age who knowingly or intentionally solicits a child at least fourteen (14) years of age but less than sixteen (16) years of age, or an individual the person believes to be a child at least fourteen (14) years of age but less than sixteen (16) years of age, to engage in:

(1) sexual intercourse;

(2) deviate sexual conduct; or

(3) any fondling or touching intended to arouse or satisfy the sexual desires of either the child or the older person;

commits child solicitation, a Class D felony. However, the offense is a Class C felony if it is committed by using a computer network (as defined in IC 35-43-2-3(a)), and a Class B felony if the person commits the offense by using a computer network (as defined in IC 35-43-2-3(a)) and has a previous unrelated conviction for committing the offense by using a computer network (as defined in IC 35-43-2-3(a)).

(e) In a prosecution under this section, including a prosecution

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1 for attempted solicitation, the state is not required to prove that the
2 person solicited the child to engage in an act described in subsection
3 (b), ~~or~~ (c), **or (d)** at some immediate time.

4 SECTION 2. [EFFECTIVE JULY 1, 2009] **IC 35-42-4-6, as**
5 **amended by this act, applies only to crimes committed after June**
6 **30, 2009.**

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